IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4142 OF 2005

M/s.Kumar Prangan Co-op.Hsg.Society Ltd...Petitioner.

Versus

Shri Suresh Ramchandra Ambekar & Anr. ..Respondents.

Mr. N.M. Apte for the Petitioner.

CORAM : S. A. BOBDE, J.

DATED : 14TH JULY, 2005.

P.C.:

1. The petitioner challenges the order of the Divisional Joint Registrar, Co-operative Societies, Pune Division, Pune, refusing stay in the revision filed by the applicant. The dispute between the petitioner society and the respondents is regarding the associate membership of the respondents. The petitioner's contention is that the petitioner has communicated the decision on the associate membership application of the respondents within the period prescribed under section 22(2) and therefore, there cannot be a grant of deemed membership to the

respondents. The petitioner, therefore, raised a preliminary issue before the trial court. The trial court has rejected the preliminary issue. Against the rejection, the petitioner has approached the Divisional Joint Registrar, alleging that the trial court has no jurisdiction to entertain the respondents' application for deemed membership, since the dispute does not fall within the fourcorners of section 22 of the Co-operative Societies Act. In the revision, the petitioner prayed for a stay. The revisional authority has rejected the stay application on the ground that the Dy. Registrar can finally decide this issue. I see no reason to interfere with the order of the revisional authority, rejecting the application for stay. Indeed the matter can be gone into finally and on the principles underlying Order 14, Rule 1, it would be expedient that all the issues are decided together.

2. In the circumstances, I see no reason to interfere. However, the revisional authority is directed to dispose of the revision at the earliest, preferably within a period of three months from the date the petitioner appears before it. The petitioner is directed to appear on 26th July, 2005.

14.07.2005 (S.A.BOBDE,J.)